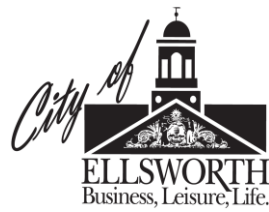


City of Ellsworth  
Chapter 56  
Unified Development Ordinance

Article 6  
Site Development [Plan](#) Review

Amended August 20, 2012  
Amended July 15, 2013  
[Amended X X, 2022](#)



## ARTICLE 6 SITE DEVELOPMENT PLAN REVIEW

### 601 PURPOSE.

The purpose of site development plan review is to provide an adequate level of review for projects of greater scope and magnitude than limited scope projects.

**Informational Meeting.** Applicants are encouraged to schedule an optional, informal meeting with the City Planning staff and/or with the Technical Review Team to discuss their plans and gain an understanding of the review procedures, requirements and standards. Call 207-669-6608

#### 601.1 Prevent undue adverse impact upon:

- A. The natural and man-made environment;
- B. The present and future facilities and services of the City;
- C. The abutters, the neighborhood, and the community.

#### 601.2 Sustain the comfort, health, and contentment of residents.

### 602 GENERALLY

**602.1 Applications.** Applications for site development plan review shall include a completed application form provided by the Administrator. The filled out application form, required fees, and the required plans and other related information shall be submitted to the Code Enforcement Officer or to the City Planner, as applicable. The City Planner shall forward the application to the Planning Board and place the application on the Planning Board agenda per Article 2 Approval and Permitting section 207 Procedures for Major Site Development Plan and Subdivision Review.

**602.2 Processing.** No application for site development plan review shall be considered complete, and the Administrator and/or the City Planner shall not process any application for site development plan approval, unless all the information required is included. The City Administrator and/or the City Planner shall not delay the processing of any application for site development plan approval if it contains the required information.

**602.3 Submittal to Administrator.** The site development plan information shall be presented in a narrative form and plan formats. All written materials shall be dated and contained in a bound report.

**602.4 Certifications.** Where applicant, professional or Planning Board certification and/or signatures are required, the signature lines shall be provided in the lower right-hand corner of the plans or other required documents.

**602.5 Approved Plan Requirements.** The applicant shall submit ~~one set of two~~ approved durable, permanent, transparent material (mylar) final site development plans and ~~three sets of one~~ paper copies for each approved site development plan. These plans shall be signed by the reviewing authority. A digital plan shall also be submitted. Unlike the hard-copy plan, which represents a legal document, the digital plan has no legal significance.

**602.6 Administrator Site Visit.** The Administrator may schedule a site visit at any time in the review process. Prior to the site visit and upon request of the administrator, the applicant shall place “flagging” at the centerline of any proposed streets, at the approximate intersections of the street center and lot corners, as well as at the location of other important proposed structures and features as may be requested by the Administrator.

**602.7 Number of Copies Needed for Plan Review.** In general, the number of copies shall be provided as stipulated below. The City Planner and the Administrator reserve the right to request a greater or lesser number of copies as may be needed.

A. **Code Enforcement Officer.** Submission materials shall include: one copy of the application form, one copy of required submittal information, one copy of the responses demonstrating compliance with the criteria and performance standards, and two sets of all final plans and drawings. Digital copies of all ~~approved~~ material shall be provided to the Code Enforcement Officer.

B. **Planning Board.** Thirteen hard copies of all material (including but not limited to application form, required submittal information, responses showing compliance with the criteria and performance standards, and plans and drawings) shall be provided to the City Planner. Digital copies of all ~~approved~~ material shall be provided to the City Planner. Only three hard copies of the following are needed: stormwater calculations ~~and~~ graphs, and state and federal permit applications and approvals.

**602.8 Scale.** Accurate scale plan of the parcel or drawings shall be provided at a scale sufficient to allow review of the information and make determination of consistency with the regulations and standards, but in no case shall the scale be more than 100 feet to the inch for that portion of the tract of land being proposed for development.

#### **602.9 Waivers**

A. **Submission Requirements.** The Administrator may modify or waive any of the submission requirements when it determines that because of the size of the project or circumstances of the site such requirements would not be applicable and that such modification or waiver would not adversely affect the abutting landowners or the general health, safety, and welfare of the City.

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- B. **Criteria and Performance Standards.** Where the Administrator makes written findings of fact that due to special circumstances of a particular project, the compliance with one or more criteria or performance standards of this Article and other pertaining articles is not requisite to provide for the public health, safety or welfare, or is non applicable, the Administrator may waive the criteria or performance standard, subject to appropriate conditions provided the waivers do not have the effect of nullifying the intent and purpose of this ordinance or other City ordinances, and further provided the criteria or performance standards of this ordinance have been or will be met by the proposed project.
  - C. **Conditions and Waivers to be shown on Final Plan.** When granting waivers per the above sections A and B, the Administrator shall set conditions as needed so the purposes of these regulations are met. Granted waivers and imposed conditions, as well as the date these actions were taken shall be indicated on the signed final site development plan.

**602.10 Subsequent Applications.** If a site development plan is denied by the Administrator, a new site plan proposing the same development for the same property shall not be filed within six months after a final decision.

**602.11 Rights Not Vested/Rights Vested.**

- A. **Not Vested – Sketch Plan.** The submittal of material to the City Planner or to the Administrator or review by the Administrator of the Sketch Plan shall not be considered the initiation of the review process for the purpose of bringing the plan under the protection of Title 1, M.R.S.A section 302.
- B. **Vested – Preliminary Plan and Final Plan.** The submittal of material to the City Planner or the Administrator or review by the Administrator of the Preliminary Plan and/or the Final Plan shall be considered the initiation of the review process for the purpose of bringing the plan under the protection of Title 1, M.R.S.A section 302.

**602.12 Attendance at Meetings.** The developer or the developer's duly authorized representative shall attend the meeting of the Planning Board to discuss the application.

**602.13 Planning Board Review and Action Procedure.**

- A. **Mandatory Preliminary Plan and Final Plan Meetings.** It is mandatory for any application to come before the Planning Board at least twice; once for a preliminary plan review and a second time for a final plan review. Sketch plan reviews do not count toward the mandatory meeting requirements.
- B. **Application Deadline.** The developer shall submit an application for review and/or approval by the Planning Board at least 20 days prior to a scheduled meeting of the Planning Board per Article 2 Approval and Permitting Procedures section 207.2 Application Deadline.

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- C. **Notice to Abutters.** Upon receipt of any application for major use site development plan review, the City Planner shall notify in writing all land owners of abutting property that an application for development has been submitted per Article 2 Approval and Permitting Procedures section 207.8 Notice to Abutters and that a public hearing will be held on the subject application at the Planning Board meeting. Land owners shall be considered to be those against whom property taxes are assessed. Failure of any abutting landowner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action of the Planning Board.
- D. **Public Hearing.** The Planning Board shall hold a public hearing at all phases of application review to include sketch plan, preliminary plan, and final plan. Notice of said hearing shall be mailed to abutting landowners and published in a local newspaper at least two times, the date of the first publication to be at least seven days prior to the hearing. A notice of said hearing shall be mailed by the City Planner to each landowner abutting the proposed development. The purpose of the public hearing shall be to receive input from the general public relative to the Site Plan.
- E. **Final Decision.** Within 30 days after the latest of (1) the second public hearing per above section D Public Hearing, or (2) the date on which the applicant furnished all information required by the Planning Board, the Planning Board shall render its decision in writing and said decision shall include findings of fact and reasons in support of the decision. In granting an approval, the Planning Board may impose such restrictions and conditions, as it deems necessary to insure compliance with the standards set forth in this ordinance, which govern each site development plan.

603 **CLASSIFICATION OF PROJECTS**

**Commented [EP1]:** The below proposed amendments to 603 and 604 are to improve clarity to address Planning Board and staff concerns expressed in recent years, particularly in Jan-March 2020 under Planner Fitzgerald and CEO Tilton.

Projects subject to site development plan review shall be divided into two classes: minor use site development plan and major use site development plan. The Code Enforcement Officer shall classify each project. The Code Enforcement Officer, after determination that a minor use site development plan project may have significant impact to the physical, social, economy, or the environment because of stormwater, traffic, erosion, dust, phosphorus loading, sediments or other factors such as but not limited to the need for public hearings, or that there is an attempt or intent to circumvent major use site development plan review may classify the project as a major use site development plan project. When an applicant cannot clearly demonstrate that the project meets the applicability thresholds of a minor use site development or a limited scope project, the Code Enforcement Officer shall classify the project as a major use site development. The Code Enforcement Officer may also classify a minor use site development plan as a major use site development plan when the use is categorized as a high pollutant land uses that may have significant impacts for the same reasons as ~~above~~-described above. The Code Enforcement Officer shall classify as a major use site development all projects involving the consumption, generation, or handling of hazardous wastes as defined in Title 38, MRSA, Section 1303, radioactive wastes, as defined in Title 38, MRSA, Section 1451.

#### 604 APPLICABILITY

**604.1 Minor Use Site Development Plan.** Level of review by the Code Enforcement Officer in conformity with the criteria and performance standards of this Article for non-residential projects involving:

- A. The new construction and/or expansion of gross non-residential floor area not to exceed 35,000 square feet in any five year period. In the case of redevelopment, floor area previously demolished or to be demolished shall not be credited toward the calculation of new floor area;
- B. The creation of new impervious area between 10,000 square feet and 40,000 square feet of gross non-residential area;
- C. A change of use within an existing building or structure of less than 20,000 square feet of gross floor area;
- D. A project not requiring a Maine Department of Transportation Traffic Movement Permit or a modification or change to an existing Maine Department of Transportation Traffic Movement Permit;
- E. Soil disturbance resulting in a disturbed area between 20,000 and 40,000 square feet, or extraction industries or commercial earth moving and mining activities involving an area between 20,000 square feet and 40,000 square feet; ~~and/or~~
- F. All projects located within the Commerce Park zoning district regardless of size.

Commented [EP2]: For clarity

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**604.2 Major Use Site Development Plan.** Level of review conducted by the Planning Board in conformity with the criteria and performance standards of this Article for non-residential projects except as noted below involving:

- A. The new construction and/or expansion of gross non-residential floor area greater than 35,000 square feet in any five year period; In the case of redevelopment, floor area previously demolished or to be demolished shall not be credited toward the calculation of new floor area;
- B. The creation of new impervious area greater than 40,000 square feet of gross non-residential area;
- C. A change of use within an existing building or structure of greater than 20,000 square feet of gross floor area;
- D. A Project requiring a Maine Department of Transportation Traffic Movement Permit or a modification or change to an existing Maine Department of Transportation Traffic Movement Permit;
- E. Subdivision into residential units of a new or existing structure. Such subdivision shall be recorded in the Registry of Deeds per Article 2 Approval and Permitting Procedures section 207.10.B. Condominiums need also to be reviewed under the Ellsworth Subdivision Ordinance.
- F. Soil disturbance resulting in a disturbed area greater than 40,000 square feet, or extraction industries or commercial earth moving and mining activities involving an area between greater than 40,000 square feet.
- G. The consumption, generation, or handling of hazardous wastes as defined in Title 38, MRSA, Section 1303, radioactive wastes, as defined in Title 38, MRSA, Section 1451.

**604.3 Site Development Plan Review - Not Applicable.** The following projects are to be reviewed as Limited Scope Project by the Code enforcement Officer.

- A. Construction of detached single-family dwellings and duplexes.
- B. Customary outbuildings for the use of the residents thereof.
- C. Construction of non-commercial barns, stables, and other agriculture- and forestry related buildings.
- D. All non-structural uses of land for agricultural or forestry purposes.

## **605 ADMINISTRATION OF SITE DEVELOPMENT PLAN REVIEW**

**605.1 Plan Approval and Permitting Procedures.** Refer to Article 2.

**605.2 Submissions and Standards.** Minor Use Site Development Plan and Major Use Site Development Plan require the submission of the same materials and shall be held to the same performance standards.

**605.3 Advisory Application Review – Sketch Plan Meeting.** The Sketch Plan review meeting is a low cost way for the applicant to receive feedback from the Administrator and hear comments from the public without the need to hire a design professional. It provides guidance to the developer on the project's feasibility. It helps acquaint the developer, the public, and the Administrator with the proposed project. The Sketch Plan review is not a decision-oriented meeting.

The developer shall provide a location map showing the project within the City of Ellsworth and a sketch plan (free hand sketch is acceptable) on a map depicting basic project information:

- A. The names and addresses of the owner of record and the applicant.
- B. The names and addresses of all consultants working on the project.
- C. Right, title, or interest in the property. A copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant.
- D. Proportionate scale plan of the parcel showing at a minimum:
  - i. The name of the development, north arrow, date, and bar scale;
  - ii. The boundaries of the parcel;
  - iii. Tax map and lot numbers;
  - iv. Size of the property;
  - v. Existing restrictions, easements, or conditions on the site;
  - vi. Description of proposed drinking water and sewage disposal methods.
  - vii. Location, orientation, height, square footage, dimensions of the existing and proposed structures on the property;
  - viii. Proposed use of each structure;
  - ix. Existing and proposed impervious surface area; and
  - x. Existing and proposed gross floor area.

#### **605.4 Decisive Application Reviews - Preliminary and Final Plan Meetings**

- A. **Purpose.** The Preliminary and Final Plan meetings are outcome-based. These meetings result in a yes/no decision for completeness and an approval or denial decision based on compliance with the performance standards, respectively.
- B. **Preliminary Plan Meeting.** The Administrator shall review the submission material – site information and related analysis provided by the developer to determine if the information provides a clear understanding of the site, as well as the opportunities and constraints they create for the use and development of the subject site. The Administrator shall advise the applicant, in writing, of needed additional information and analysis. The intent of the Preliminary Plan Meeting is for the Administrator to make a determination of completeness of material submission, as well as identify issues and constraints that must be addressed in the Final Plan meeting. The applicant will provide the information as listed below in section 606 Submission Materials – Preliminary Plans.
- C. **Final Plan Meeting.** The Administrator shall evaluate if the project meets the criteria and performance standards - finding of facts and conclusion of law. These are either written or orally read into the record to explain the rationale for the final decision. The Administrator has the authority to evaluate impacts, hire experts, and impose conditions as long as it is to ensure compliance with a [criterion](#) and a performance standard. The applicant will provide information as listed below in section 607 Standards and Criteria Governing Site Development Plan Review – Final Plan Meeting.



## **606 SUBMISSION MATERIALS – PRELIMINARY PLAN MEETING**

- 606.1 Application Form.** A completed and signed City of Ellsworth Land Development Application.
- 606.2 Right, Title or Interest.** A copy of the deed to the property, option to purchase the property, or other documentation to demonstrate right, title or interest in the property on the part of the applicant.
- 606.3 Schedule of construction.** Anticipated beginning and completion dates.
- 606.4 Cost.** Statement of overall project cost. Statement of cost for all work to take place within a public or private right-of-way and evidence of financial capacity to complete it. This evidence should be in the form of a letter from a bank or other source of financing indicating the name of the project, amount of financing proposed, and interest in financing the project.
- 606.5 Base Plan.** In general, the Base Plan information shall be shown on all other plans as the base layer and shall include.
- A. The name of the development.
  - B. The names and addresses of the owner of record and of the developer.
  - C. The name, address and registration number and seal of the designers (land surveyor, architect, engineer and/or similar professional who prepared the plan).
  - D. True and magnetic north arrows, date and bar scale.
  - E. Vicinity map inset.
  - F. The boundaries of the parcel and size.
  - G. The bearings and distances of all property lines of the property to be developed and the source of this information.
  - H. All monuments erected and ~~eoneerns~~ corners established in the field. The material of which the monuments, corners or other points are made shall be noted by legend.
  - I. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time.
  - J. The topography of the site at an appropriate contour interval of 2-foot to 5-foot depending on the nature of the uses and character of the site.
  - K. Major natural features of the site including wetlands, streams, ponds, floodplains, groundwater aquifers, significant wildlife habitats or other important natural features.
  - L. Location of burial grounds, right-of-ways, and other major features.
  - M. Areas with sustained slopes greater than 25% covering more than one acre of land.
  - N. The tax map and lot number of the parcel(s).
  - O. The location of all zoning district boundary (ies) including shoreland zones, flood hazard areas, and the 100-year flood elevation.
  - P. The location of dimensional requirements required by this ordinance including but not limited to building setbacks.
  - Q. Depiction of existing deed restrictions, conditions, or easements on the site.
  - R. In tabular form, the zoning classification(s) of the property and dimensional requirements.

**606.6 Existing and Proposed Site Conditions Plan(s).** The Existing and Proposed Site Conditions ~~should-may~~ be presented on one plan ~~but and include a signature block and may-should~~ be supplemented by a stand-alone individual Existing Conditions Plan and a Proposed Conditions Plan if ~~necessary-needed for clarity.~~ Additional plan sheets, including but not limited to plans for grading, utilities, roads, pre-development hydrology, post-development hydrology, stormwater management, lighting, landscaping, off-site improvements, notes, development phasing, or construction details, shall be provided as applicable or as required by other Articles.

**606.7 Existing Site Conditions**

- A. Location and size of any existing sewer infrastructure within 500 feet and water mains within 5200 feet of the project property line or remainder of land.
- B. Location and size of well and septic system on the property and located within 100 feet of the development (on and off property).
- C. Location and size of culverts and drains on the property and of any that will serve the development from abutting streets or land.
- D. Location, names, and present widths of existing streets and rights-of-ways within or adjacent to the proposed development. The name, location and dimensions of existing streets, right-of-ways, driveways, parking and loading areas and walkways within or adjacent to the proposed development.
- E. Location of intersecting roads or driveways within 200 feet of the site.
- F. The location of open drainage courses, wetlands, stands of trees, and other important natural features.
- G. The direction of existing surface water drainage across the site.
- H. The location, front view and dimensions of existing signs.
- I. Dimension, height, location and orientation of existing structures on the property and the use.
- J. Copy of maintenance agreements for any privately owned stormwater management facilities, parks or open space, and right-of-way.
- K. Tabulation of the number of acres in the existing development including square footage of all buildings and structures; square footage of all paved or otherwise hard-surfaces streets, parking facilities, including curb and gutters, walks, loading areas and asphalt or concrete aprons for solid waste containers, or outdoor mechanical equipment.
- L. Copy of the portion of the Hancock County Soil Survey covering the project. When the medium intensity soil survey shows soils which are unsuitable for the uses proposed, the Administrator may require the submittal of a high intensity soil survey or a report by a registered soil scientist or registered professional engineer experienced in geotechnics, indicating the sustainability of soil conditions for those uses.
- M. The location and methods of disposing for land clearing and construction debris.

N. Emergency vehicle access on the property to and/or around the building.

**606.8 Proposed Site Conditions.**

- A. **General.** The location, dimensions, and ground floor elevations of all proposed buildings on the site; the location and dimensions of proposed right-of-ways, driveways, and walkways; the dimension and location of the area to be used for snow storage.
- B. **Lots.**
  - i. All lots shall meet the minimum requirements of Article 3 Zoning Districts for the zoning district in which they are located.
  - ii. If a lot on one side of a stream, tidal water, road, utility easement or wetland fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream, tidal water, or road to meet the minimum lot size.
  - iii. The ratio of lot length to width shall not be more than five to one. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited.
- C. **Sign.** Location, front view, and dimensions of proposed signs.
- D. **Septic System.** Soils information if on-site sewage disposal is proposed. This information should be detailed enough to allow those portions of the site not suitable for on-site disposal systems to be identified.
- E. **Lighting.** A Lighting Plan per Article 8 Exterior Lighting section 812 Lighting Plan Submittal Contents.
- F. **Traffic.** Traffic and Street Design information per Article 9 Street Design and Construction Standards section 902.1 Plan Submissions.
- G. **Parking.** Off street parking and loading areas and structures, including the number of spaces, dimensions of spaces and aisles, and landscaping of parking areas.
- H. **Bike and Pedestrian.** Pedestrian circulation system, including walkways and bicycle paths where applicable.
- I. **Stormwater Management Plan.**
  - i. Stormwater information per Article 10 Stormwater Management and Construction Standards section 1002 Plan Submittals.
  - ii. Low Impact Design information statement shall be submitted to the Administrator documenting suitable low impact design for the site, which will help to reduce stormwater volumes and help to enhance stormwater quality. Low impact design includes, but is not limited to green roofs, rain gardens, tree wells, infiltration basins, and permeable pavement.
- J. **Utility Plan.** A utility plan showing the location and dimension of water and sewer improvement, including force-mains and pump stations, electric and telephone lines, and any other utility services to be installed on the site.

**K. Wastewater Disposal.**

- i. Indication of the type of sewage disposal to be used.
- ii. When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the Sewer Department indicating the Department has reviewed and approved the sewerage system design compliant with Chapter 5, Sewer Ordinance shall be submitted.

**L. Drinking Water.**

- i. Indication of the type of water supply system(s) to be used.
- ii. When water is to be supplied by a public water supply any proposed development located within 500 feet at its closest point to a water line must connect to the public water system. The developer shall provide a written statement from the Water Department that adequate water for both domestic and fire fighting purposes can be provided without placing an undue burden on the source, treatment facilities or distribution system involved. The developer shall be responsible for paying the costs of system improvements necessary to serve the development. The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the Water Department Superintendent and the Fire Chief.
- iii. When water is to be supplied by private well, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.

**M. Hydrogeology.** A groundwater impact analysis prepared by a groundwater hydrologist, or designed and prepared by a professional engineer registered in the State of Maine for projects involving:

- i. Common on-site water supply or sewage disposal facilities with a capacity of 2,000 gallons or more per day.
- ii. Any part of a project located over a significant sand and gravel aquifer by the Maine Geological Survey.

**Groundwater Impact Analysis.** The groundwater impact analysis shall contain at least the following information:

- a. A map showing the basic soils types.
- b. The depth to the water table at representative points throughout the site.
- c. Drainage conditions throughout the site.
- d. Data on the existing groundwater quality, either from test wells on the site or from existing wells on neighboring properties.
- e. Projections of groundwater quality based on the assumption of drought conditions (assuming 60% of annual average precipitation).

- f. An analysis and evaluation of the effect of the development on groundwater resources. In the case of residential development, the evaluation shall, at a minimum, include a projection of post-development nitrate-nitrogen concentrations at any wells within the site, at the boundaries and at a distance of 1,000 feet from potential contamination sources, whichever is a shorter distance.
  - g. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the site and within 200 feet of the site.
- N. **Fire Suppression.** Letter from the Ellsworth Fire Department stating the applicant has met with the Fire Department to discuss the project and the type of fire suppression system to be used, as well as emergency vehicle access. Provide all hydrant locations, as well as information on other fire protection measures.
- O. **Landscaping.** The location, dimension, and type of walls, fences and landscaping. A planting schedule keyed to the plan and indicating the general varieties and sizes of trees, shrubs, and other plants to be planted on the site.
- P. **Park and Open Space.**
  - i. Any areas reserved as a park or open space shall be indicated on the application. A park and open space provision and maintenance plan shall be submitted as part of the application for development approval. This plan shall designate and indicate the type and boundaries of all proposed parks and open space.
  - ii. The following areas are not considered park or open space:
    - a. Areas covered by buildings, parking lots, or other impervious surfaces accessible to automobiles;
    - b. Utility easement, drainage easements, or street right-of-ways, unless such areas are usable for public recreational purposes and will not be permanently converted to a street or trench;
    - c. Land underneath overhead utility lines.
- Q. **Critical Natural Area.** Identify areas within or in close proximity to the project which have been identified by the State of Maine as High or Moderate Value Wildlife Habitat or is part of the Maine Natural Area's Program.
- R. **National Register of Historic Places.** Identify all areas within or in close proximity to the project which are either listed or have the potential to be listed in the National Register of Historic Places, or are indentified in the Comprehensive Plan or in Chapter 39 Historic Preservation Ordinance as having historic significance.
- S. **Tabular Information.** Provide in table format the number of acres in the [existing proposed](#) development including square footage of all buildings and structures; square footage of all paved or otherwise hard-surfaces: streets, parking facilities including curb and gutters, walks, loading areas and asphalt or concrete aprons for solid waste containers, or outdoor mechanical equipment.

T. **Easements.** For any proposed easement, the developer shall submit the proposed easement language with a signed statement certifying that the easement will be executed upon approval of the development.

U. **Owner's Association.** Evidence that all requirements relative to establishment of a maintenance association or owner's association have been met. The submission shall include copies of the by-laws of any association charged with maintaining common spaces, infrastructures and lands. The association's documents shall clearly state that the association shall properly maintain the infrastructure or land serving the development after the developer has legally relinquished that responsibility and/or until such time as the City may accept ownership. The existence of this association and its purpose shall be noted on the plan.

U.V. **Floor Plans.** Building floor plans depicting gross floor areas, number and location of dwelling units, location of common spaces and service/mechanical areas, and rooms, seats, and/or square footage devoted to each type of land use proposed for the site shall be provided to aid in determining compliance with parking requirements, emergency access and fire suppression requirements, access and circulation provisions, utility locations, waste disposal requirements, and/or required treatment of special features.

W. **Signature Block.** Space shall be provided on the plan on the bottom right hand corner or the signature of the Administrator and date together with the following: "Approved" or "Approved with Conditions."

## **607 STANDARDS AND CRITERIA GOVERNING SITE DEVELOPMENT PLAN REVIEW – FINAL PLAN MEETING.**

**607.1 State and Federal Permits.** Prior to the review of criteria and performance standards compliance by the Administrator, the developer shall show written proof that applications have been filed for all state and federal permits including, but not limited to:

- i. Maine Department of Environmental Protection Site Location of Development Act; Great Ponds Act; Alteration of Coastal Wetlands; Freshwater Wetland Act; Alteration of Stream and Rivers; Wastewater Discharge License; Stormwater; Natural Resources Protection Act.
- ii. Maine Department of Human and Health Services applications for central water supply system and centralized or shared subsurface sewage disposal system.
- iii. U.S. Army Corps of Engineers under section 404 of the Clean Water Act.
- iv. Maine Department of Transportation Driveway and Entrance Permit; and Traffic Movement Permit

**607.2 Criteria and Standards.** The following criteria and standards shall be utilized by the Administrator in reviewing applications for site development plan approval. The criteria and standards are not intended to discourage creativity, invention and innovation.

A. **Conformance with Comprehensive Plan.** All proposed projects shall be in conformity with the Comprehensive Plan, policy statements of the City of Ellsworth, and with other pertinent provisions and ordinances.

B. **Land Not Suitable For Development**

The following lands shall not be included in the calculations of the minimum lot area:

- i. Land which is situated below the normal high water mark of any water body.
- ii. Land which is located within the 100-year floodplain as identified by the Federal Emergency Management Agency or the Department of Housing and Urban Development, Flood Insurance Administration, unless the developer shows proof through the submittal of materials prepared by a Registered Land Surveyor which show that the property in question lies at least two feet above the 100-year flood level. The elevation of filled or man-made land shall not be considered.
- iii. Wetlands.

C. **Lots.**

- i. Lot configuration and lot area shall be designed to provide for adequate off-street parking and service facilities based upon the type of development contemplated.
- ii. Wherever possible, side lot lines shall be perpendicular to the street.

D. **Shoreland Standards.** Projects which propose structures or uses located within the shoreland zone, as defined in Article 4 Shoreland Zoning may be reviewed concurrently with site development plans. It may be approved, or approved with conditions if the Administrator makes a positive finding based on the application and its supporting information that, in addition to any requirements imposed by this Article, the proposed use:

- i. Will maintain safe and healthful conditions;
- ii. Will not result in water pollution, erosion, or sedimentation to surface waters;
- iii. Will adequately provide for the disposal of all wastewater;
- iv. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitats;
- v. Will conserve shore cover and visual, as well as actual, points of access to inland and shoreland waters;
- vi. Will protect archaeological and historic resources as designated in the comprehensive plan;
- vii. Will not adversely affect existing commercial fishing or maritime activities in the General Development Zoning District;
- viii. Will avoid problems associated with floodplain development and use; and
- ix. Is in conformance with the provisions of Article 4 Shoreland Zoning.

**E. Landscaping.**

- i. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. Scenic vistas should be preserved.
- ii. Environmentally sensitive areas such as wetlands, steep slopes, floodplains and unique natural features shall be maintained and preserved to the greatest extent possible. Natural drainage areas shall be preserved to the maximum extent.
- iii. Landscaping shall meet Article 8 Performance Standards section 813 Buffers, Screening, and Landscaping Standards.

**F. Accessways, Traffic Impacts and Access.**

- i. Provisions shall be made for vehicular access to the development and circulation within the development in such a manner as to safeguard against hazards to traffic and pedestrians in existing streets and within the development site, to avoid traffic congestion on any accessways and to provide safe and convenient circulation on and off-site.
- ii. All projects shall provide an estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hour. Where applicable provide a traffic impact analysis demonstrating the impact of the proposed project on the capacity, level of service and safety of adjacent City and or State-owned streets.
- iii. Where a development abuts or contains an existing or proposed State- or City-owned road, permits must be obtained from the appropriate agency for entrance/driveway. This requirement shall be noted on the Plan and in the deed.
- iv. Vehicular access to and into the site shall meet the standards of Article 9 Street Design and Construction Standards, as applicable:
  - a. 907 – Street Design Standards;
  - b. 909 – Street System Design Standards;
  - c. 910 – Access Management;
  - d. 915 – Accessways in the Shoreland Zone; and
  - e. 916 – Accessway Constructions Standards.
- v. The layout of the site shall provide for the safe movement of passenger, service and emergency vehicles through the site.
  - a. Non-residential projects shall provide a clear route for delivery vehicles with appropriate geometric design to allow turning and backing for vehicles expected to use the facility.



- b. Clear routes of access shall be provided and maintained for emergency vehicles to all portions of the site and shall be posted with appropriate language.
  - c. The layout and design of parking areas shall provide for safe and convenient circulation of vehicles throughout the site and should prohibit vehicles from backing out onto a street.
  - d. All streets and accessways shall be designed to follow the topographic and natural features of the site. The road network shall provide for vehicular and pedestrian safety, all season emergency access, snow storage, and delivery and collection services.
- vi. Where the street is designed to a private road design standard or where the street is to remain a private way until it is duly adopted by the City Council, the following words shall appear on the recorded plan & within the deed.

*"The roads in this development shall remain private roads to be maintained by the developer or the lot owners until and if it meets the standards of a public road and it is duly adopted by the City Council"*

G. **Bike/Pedestrian Access and Circulation.** The development plan shall provide for safe pedestrian circulation within the development. This pedestrian circulation system shall connect with existing sidewalks if they exist in the vicinity of the project. The pedestrian network may be located either in the street right-of-way and/or outside of the right-of-way in open space or recreation areas. The system shall be designed to link residential units with recreational and commercial facilities, other common facilities, school bus stops and existing sidewalks in the neighborhood. Pedestrian and bike access to the site shall also meet the standards of Article 9 Street Design and Construction Standards section 912 Sidewalks and Bikeways and section 916.5.G Sidewalk Materials.

H. **Parking.** The plan shall meet the criteria of Article 11 Parking Standards.

I. **Environmental Standards.** The development plan shall be designed in accordance with applicable standards designed to protect the environment.

- i. Stormwater. The development shall be designed to meet Article 10 Stormwater Management Design and Construction Standards. Maintenance responsibilities shall be reviewed to determine their adequacy.
- ii. Low Impact Design. The applicant shall submit technical documentation about the suitability of low impact design features which will help to reduce stormwater volumes and help to enhance stormwater quality. If non-low impact design features are selected, the applicant shall provide a statement explaining the reason why. Each applicant is required to submit a statement to the Planning Board documenting proposed Low Impact Design (LID) for the site.

- iii. Erosion and Sediment control. The development shall preserve salient natural features, keep cut-fill operations to a minimum and ensure conformity with the topography so as to create the least erosion potential and so as to adequately handle surface water runoff. The disturbed area shall be kept to a practical minimum. Any activity on a stream, watercourse or swale or upon a floodway or right-of-way shall comply with the State's Natural Resources Protection Act, Title 38 M.R.S.A. Sections 480(A)-480(S). Any such activity shall also be conducted in such a manner so as to maintain as nearly as possible the present state of the stream, watercourse, swale, floodway or right-of-way for the duration of the activity and shall be returned to its original or equal condition after such activity is completed.

**J. Parks, Open Space, Natural or Historical Features.**

- i. To the greatest extent possible common open space areas shall be contiguous.
- ii. Parks and open spaces, as shown on any approved development plan, shall contain a notation that these areas shall not be further developed for any other use.
- iii. Parks and open spaces should include irreplaceable natural features located on the tract (such as, but not limited to, stream beds, significant stands of trees, individual trees of significant size, and rock outcroppings).
- iv. If the proposed development contains any identified historical or archaeological sites, or any areas identified in the Comprehensive Plan or by the Maine Critical Areas Program as rare and irreplaceable natural areas, these areas shall be protected through inclusion in an open space plan, and suitably protected by appropriate covenants and management plans.
- v. Any public rights of access to the shoreline of a water body shall be maintained by means of easements or rights-of-way, or should be included in the open space plan, with provisions made for continued public access.

**K. Drinking Water Supply.**

- i. The development shall be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water.
- ii. **Groundwater Protection.** The proposed site development and use shall not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems. Projects involving common on-site water supply or sewage disposal systems with a capacity of 2,000 gallons per day or greater shall demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the Final Plan, and as restrictions in the deed.

**L. Sewage Disposal.**

- i. Public Sewer. Any proposed development shall connect to the existing or proposed public sewer if said sewer is located within 500 feet of the development property line. Only the City Council may waive this standard.
- ii. Private Systems.
  - a. The developer shall submit evidence of soil suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator or Soil Scientist in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.
  - b. In no instance shall a disposal area be permitted on soils or on a lot which requires a New System Variance from the Subsurface Wastewater Disposal Rules.

**M. Utilities.** Any utility installations above ground shall be located so as not to be unsightly or hazardous to the public and shall be landscaped or otherwise buffered so as to screen the components from public view.

**N. Construction Debris.** If on-site disposal of the street or right-of-way construction stumps and debris is proposed, the disposal site shall be suitably covered with fill and topsoil, lined, fertilized, and seeded.

**O. Street Names and Traffic Signs.** Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the City, and shall be subject to the approval of the City Assessor's Office. The developer shall reimburse the City for the costs of installing street names, traffic safety and traffic devices.

**P. Advertising Features.** The size, location, texture and lighting of all exterior signs and outdoor advertising structures or features shall not detract from the layout of the property and the design of proposed buildings and structures and the surrounding properties, and shall not constitute hazards to vehicles and pedestrians.

**Q. Special Features.** Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

**R. Exterior Lighting.** All exterior lighting shall be designed to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public and comply with Article 8 Performance Standards Section 812 Exterior Lighting.

- I
- S. **Emergency Vehicle Access.** Provisions shall be made for adequate emergency vehicle access to buildings and structures in compliance with Chapter 4 Fire Protection and Prevention Ordinance.
- T. **Fire Suppression.** The proposed development shall comply with the applicable sections of Chapter 4 Fire Protection and Prevention Ordinance relating to fire suppression.
- U. **Waste Disposal.** The proposed development shall provide for adequate disposal of solid wastes and hazardous wastes; all solid waste shall be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes; and all hazardous wastes shall be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the facility shall be submitted.